

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALICE KARAMOUZIS,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant(s).

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Defendant, TARGET CORPORATION. ("TARGET") by their attorneys, FISHMAN
MCINTYRE BERKELEY LEVINE SAMANSKY, P.C., respectfully petition the United States
District Court, Eastern District of New York, upon information and belief, as follows:

1. This action was commenced on June 23, 2020 in the Supreme Court of the State of New York, County of Queens. The suit is identified in the Supreme Court as "Alice Karamouzis vs. Target Corporation.", Index Number 708292/2020. A true copy of Plaintiff's Summons and Verified Complaint is cumulatively annexed hereto as "**Exhibit A**". Target received notice of plaintiff's Summons and Complaint on or about July 30, 2020. (See Affidavit of Service annexed as "**Exhibit B**"). The grounds for removal are based on the original jurisdiction of this Court under 28 U.S.C. §1332, which allows this Court to hear matters based on diversity of citizenship of the parties.

2. The Plaintiff's Complaint in the Supreme Court of the State of New York, County of Queens, asserts monetary damages relating to personal injuries in a non-specified amount. However, Plaintiff specifically claims that as a result of the incident complained of therein, the plaintiff "sustained serious and permanent injuries and was rendered sick, sore, lame, and disabled; plaintiff, Alic Karamouzis, was caused to suffer great physical pain, discomfort, and disability and will continue to suffer pain, discomfort, and disability in the future; plaintiff, Alice Karamouzis, was

caused to undergo hospital and medical care, aid, and treatment, and may continue to undergo medical care, aid and treatment for a long period of time to come in the future; plaintiff, Alice Karamouzis, incurred large sums of expenses for medical care, aid, and attention; plaintiff, Alice Karamouzis, was further caused to become incapacitated from and hindered in the progress of her usual pursuits, duties, and activities for a long period of time to come in the future...” (See “**Exhibit A**”, plaintiff’s complaint, paragraph 28).

3. Target filed an answer to plaintiff’s complaint on August 24, 2020. A true copy is annexed hereto as “**Exhibit C**”.

4. On or about August 24, 2020, Target served upon plaintiff’s counsel a number of demands for discovery and disclosure. By way of a verified bill of particulars dated October 16, 2020, and received by the office of the undersigned on October 20, 2020, plaintiff has disclosed damages, solely for past medical expenses as well as “future physical therapy, orthopedic visits, pain medication, hospitalization, surgery and rehabilitation with associated costs in excess of \$1,000,000.00”. Specifically, plaintiff claims past medical expenses of approximately \$36,000.00, and future medical expenses of “approximately \$1,000,000.00”. See plaintiff’s bill of particulars, paragraph 30, annexed hereto as “**Exhibit D**”).

5. Based upon the foregoing, there can be no doubt that the amount in controversy herein exceeds \$75,000.00, exclusive of interests and costs. Indeed, plaintiff has claimed medical expenses alone of over 14-fold such jurisdictional threshold.

6. In addition, this notice of removal is filed within 30 days of plaintiff’s damage disclosure contained in her verified bill of particulars dated October 16, 2020.

7. On or about August 24, 2020, Target served upon plaintiff's counsel a request to admit, namely that plaintiff admit that as of the time of the within cause of action arose, that is, the date of her accident, as well as presently, plaintiff is a citizen of the state of New York. A copy of said request to admit is attached hereto as "**Exhibit E**". On October 16, 2020, and received by this office on or about October 20, 2020, plaintiff responded to said request to admit by admitting each of the foregoing. Therefore, at the time of this cause of action arose, the plaintiff was indeed a citizen of the State of New York.

8. Target is a corporation, incorporated in the state of Minnesota. Moreover, Target has its principal place of business in Minneapolis, Minnesota. (See **Exhibit F** hereto).

9. Based upon the foregoing, diversity of citizenship exists. Plaintiff is a citizen of the State of New York. On the other hand, Target is a foreign business corporation, incorporated in and having its principal place of business in Minnesota. Therefore, this action is between a citizen of the State of New York (plaintiff) and a corporation of a state other than New York, the defendant, Target Corporation.


10. Written notice of the filing of this Notice of Removal has been given to all parties in accordance with 28 U.S.C. §1446(d), as evidenced in the annexed Certificate of Service.

11. Promptly after filing this Notice with the Court and the assignment of a civil docket number, a copy of this Notice will be filed with the Supreme Court of the State of New York, County of Queens, in accordance with 28 U.S.C. §1446(d).

WHEREFORE, Petitioner, TARGET CORPORATION, Defendant in the action described herein now pending in the Supreme Court of the State of New York, County of Queens, under Index Number 708292/2020, prays that this action be removed there from to this Honorable Court.

Dated: New York, New York
November 11, 2020

Yours etc.,



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SAMANSKY P.C.

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